

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHEILA PORTER,
Plaintiff

v.

ANDREA CABRAL, SUFFOLK
COUNTY SHERIFF'S DEPARTMENT,
SUFFOLK COUNTY,
Defendants

MOTION FOR A REMITTITUR OF DAMAGES
OR IN THE ALTERNATIVE A NEW TRIAL

Now Comes the Defendants Andrea Cabral, Suffolk County Sheriff's Department and Suffolk County pursuant to Fed. R. Civ. P. 59 (a) and move that this Honorable Court order a remittitur of the damage awards found by the jury, or in the alternative, order a new trial on the issue of damages

As Reasons therefore, Defendants state:

1. The evidence presented at trial did not support the jury award of compensatory damages in the amount of \$360,000 dollars.
2. The evidence presented at trial did not support the jury award of punitive damages in the amount \$250, 000 dollars.
3. The award of compensatory damages is purely speculative and conjecture on the part of the jury and excessive as a matter of law.
4. The award of punitive damages is unwarranted and excessive as a matter of law.

Defendants rely on the attached Memorandum of Law in support of their Motion and respectfully request that they be allowed to supplement their memorandum prior to and after a hearing on the matter.

REQUEST FOR ORAL ARGUMENT

Defendants request to be heard on the merits of the instant Motion.

Respectfully submitted,
For the Defendants,

/s/ Ellen M. Caulo
Ellen M. Caulo BBO #545250
Deputy General Counsel
Suffolk County Sheriff's Department
200 Nashua Street
Boston, MA 02114
(617) 961-6681

Date: February 2, 2006

Local Rule Certification

I, Ellen M. Caulo, hereby certify that I have conferred with Plaintiff's counsel in an effort to resolve the issues raised by this motion.

/s/ Ellen M. Caulo
Ellen M. Caulo